

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD T. KENNEDY,

Plaintiff,

v.

COMMISSIONER, *Department of The
Treasury Internal Revenue Service*

Defendant.

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No. 5:18-cv-00257

ORDER

AND NOW, this 31st day of January, 2019, upon consideration of Plaintiff's Motion titled "MOTION for a New Trial and Provide ECF Access to File," ECF No. 44, in which Plaintiff requests access to the Electronic Case Filing ("ECF") System so that he may file an amended complaint in a new trial, **IT IS ORDERED THAT:**

1. Plaintiff's Motion, ECF No. 44, is **DENIED**;¹ and
2. Plaintiff is reminded that this case is **CLOSED** and advised this Court will not entertain additional requests for reconsideration or to re-open the case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge

¹ Plaintiff's motion for a new trial must be denied as untimely. Rule 59 of the Federal Rules of Civil Procedure requires that a motion for a new trial must be filed no later than 28 days after the entry of judgment. Fed. R. Civ. 59(b). This Court's separate order and opinion dismissing the complaint were entered on June 18, 2018. To be timely, a motion for a new trial had to have been served by July 17, 2018—28 days after the date the Court dismissed Plaintiff's complaint. Plaintiff's current motion comes 214 days after the Court dismissed Plaintiff's complaint and 185 days late.

Because Plaintiff's motion for a new trial is untimely and must be denied, Plaintiff's request for ECF access to file an amended complaint in the new trial is moot.